

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

267406 BC LTD, et al.,

Defendants.

NO: CV-12-484-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80296

DEFAULT JUDGMENT

THIS MATTER came on consideration upon the Motion of Plaintiff for Entry of Default and Judgment against Defendant Kenneth Appeldoorne, and it appearing from the file and records of this Court in this cause that the default judgment (Bkcy. Dkt. No. 181) entered by the Bankruptcy Court should be deemed

1 proposed findings of fact and conclusions of law, and that entering final default
2 judgment in conformity with the default judgment entered by the Bankruptcy Court
3 is appropriate,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
5 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11
6 Trustee for LLS America, LLC, shall have a judgment against Defendant Kenneth
7 Appeldoorne, as follows:

8 1. Monetary Judgment in the amount of CAD \$36,875.27, pursuant to 11
9 U.S.C. § 550 and RCW 19.40.071;

10 2. Transfers in the amount of CAD \$33,541.95 made to the Defendant
11 Kenneth Appeldoorne within four years prior to the Petition Filing Date are hereby
12 avoided and Plaintiff may take all necessary action to preserve the same, pursuant
13 to 11 U.S.C. §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2)
14 and RCW 19.40.071;

15 3. Transfers in the amount of CAD \$3,333.32 made to Defendant Kenneth
16 Appeldoorne more than four years prior to the Petition Filing Date are hereby
17 avoided and Plaintiff may take all necessary action to preserve the same, pursuant
18 to 11 U.S.C. §§ 544, 550 and 551 and RCW 19.40.041(1) and 19.40.071;

19 4. All said transfers to Defendant Kenneth Appeldoorne are hereby set aside
20 and Plaintiff shall be entitled to recover the same, or the value thereof, from

1 Defendant Kenneth Appeldoorne for the benefit of the estate of LLS America,
2 pursuant to 11 U.S.C. §§ 544, 550 and 551;

3 5. A constructive trust is hereby established over the proceeds of all transfers
4 in favor of the Trustee for the benefit of the estate of LLS America; and

5 6. Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of \$250.00
6 USD, for a total judgment of CAD \$36,875.27, plus \$250.00 USD, which shall
7 bear interest equal to the weekly average of one-year constant maturity (nominal)
8 treasury yield as published by the Federal Reserve System.

9 The District Court Clerk is directed to enter this Order, enter judgment as
10 outlined above, and provide copies to counsel and to Judge Patricia C. Williams.

11 DATED this 1st day of November 2012.

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14 s/ Rosanna Malouf Peterson
15 ROSANNA MALOUF PETERSON
16 Chief United States District Court Judge
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